

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

TR. C.M.P.Nos. 612 and 639 of 2015

COMMON ORDER:

Since both the Tr.C.M.Ps. are filed for transfer of cases arising out of matrimonial disputes between wife and husband and the issue involved is one and same, they are heard together and being disposed of by this common order.

Tr.C.M.P.No.612 of 2015 is filed by the wife seeking to transfer O.P.No.1298 of 2015 from the Family Court, Ranga Reddy District at L.B.Nagar to the Family Court, City Civil Court at Secunderabad, whereas Tr.C.M.P.No.639 of 2015 is filed by the husband seeking to transfer O.P.No.600 of 2015 from the Family Court at Secunderabad to the Family Court, Ranga Reddy District at L.B. Nagar.

The facts in brief are as under:

The marriage between the parties herein was performed on 08.02.2015 at Arya Samaj Mandir, Warasiguda, Secunderabad. Later on, disputes arose between them, resulting in filing of O.P.No.600 of 2015 on the file of the Judge, Family Court, City Civil Court, Secunderabad, by the wife for dissolution of marriage and O.P.No.1298 of 2015 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar by the husband for restitution of conjugal rights. The grievance of the wife is that only with a view to harass, her husband deliberately filed O.P.No.1298 of 2015 before the Family Court at L.B.Nagar when O.P.No.600 of 2015 is already pending adjudication before the Family Court at Secunderabad, while the grievance of the husband is that the family members of his wife are threatening him to agree for divorce and withdraw the O.P. filed by him. Hence, the present transfer petitions.

Heard both sides.

It is to be seen that O.P.No.600 of 2015 was filed for dissolution of marriage and O.P.No.1298 of 2015 was filed for restitution of conjugal rights. Hence, both the said petitions are to be tried together and disposed of in order to avoid conflicting judgments. It is also to be seen that the Family Court at Secunderabad and the Family Court at L.B.Nagar are not at too distant places and hence it may not cause any inconvenience for the parties to attend the Court either at Secunderabad or at L.B.Nagar. The Apex Court in ***Sumita Sing Vs. Kumar Sanjay and another*** held that in transfer of matrimonial proceedings initiated by the husband against the wife, it is the convenience of the wife that has to be looked at. In view of the above, I deem

it appropriate to consider the request of the wife.

Accordingly, Tr.C.M.P.No.612 of 2015 filed by the wife is allowed and O.P.No.1298 of 2015 is withdrawn from the Family Court, Ranga Reddy District at L.B.Nagar and transferred to the Family Court, City Civil Court, Secunderabad, and Tr.C.M.P.No.639 of 2015 filed by the husband is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the transfer petitions shall stand dismissed.

A. RAJASHEKER REDDY, J.

1st December, 2015

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